

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL E. GRAY,

Plaintiff,

Case No. 09-11612

Honorable Patrick J. Duggan

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT AND GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on September 7, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On April 29, 2009, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Supplemental Security Income. Plaintiff filed a motion for summary judgment on October 12, 2009. Defendant filed a motion for summary judgment on November 13, 2009. This Court had previously referred the matter to Magistrate Judge Mark A. Randon for a report and recommendation pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (C).

On August 2, 2010, Magistrate Judge Randon filed his Report and Recommendation (R&R) recommending that this Court deny Plaintiff's motion for

summary judgment and grant Defendant's motion. At the conclusion of the R&R, Magistrate Judge Randon advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (R&R at 16.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Randon. Accordingly,

**IT IS ORDERED**, that Plaintiff's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED**, that Defendant's motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Donald W. Busta, Esq.  
AUSA Derrie T. Thomas  
Magistrate Judge Mark A. Randon